

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

THELMA P. WILLIS,

\*

Plaintiff

\*

v.

\*

Case No.: AMD-02-CV3802

KERI L. DOUGHERTY, et al.

\*

Defendants

\*

\* \* \* \* \*

**ANSWER OF DEFENDANT KERI L. DOUGHERTY**

Keri L. Dougherty, Defendant, by her attorneys, Allison L. Silvain and Miles & Stockbridge, P.C., in answer to Plaintiff's Complaint filed herein against her, states as follows:

1. In response to Plaintiff's paragraph Number 1, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations.

2. In response to Paragraph 2 of the Complaint, this Defendant admits she is a residence of West Chester County, Pennsylvania. Defendant denies that, at the time of the alleged incident, she was an agent of Kevin and Georgiana Dougherty. Defendant denies that she was acting on behalf and benefit of Kevin and Georgiana Dougherty at the time of the alleged incident. Defendant Keri Dougherty admits she is the daughter of Kevin and Georgiana Dougherty.

3. In response to Paragraph 3 of the Complaint, this Defendant admits the allegations contained in Paragraph 3.

4. This Defendant admits the allegations in Paragraph 4 of the Complaint

5. This Defendant denies the allegations in Paragraph 5 of the Complaint. This Defendant also denies allegation of Paragraph 5 (a) – (d) of the Complaint.

6. This Defendant denies the allegations of Paragraph 6 of the Complaint.
7. This Defendant denies the allegations of Paragraph 7 of the Complaint.
8. This Defendant denies the allegations of Paragraph 8 of the Complaint.

#### **FIRST DEFENSE**

This Plaintiff's Complaint fails to state a claim upon which relief may be granted.

#### **SECOND DEFENSE**

This Defendant generally denies liability and every allegation under each count of the Plaintiff's Complaint.

#### **THIRD DEFENSE**

The Plaintiff's purported causes of action against this Defendant is barred by the applicable statute of limitations.

#### **FOURTH DEFENSE**

The Plaintiff's purported cases if action against this Defendant is barred by the applicable statutes of repose.

#### **FIFTH DEFENSE**

Recovery by the Plaintiff is barred because of the contributory negligence, or the comparative fault, or both, of the Plaintiff.

#### **SIXTH DEFENSE**

Recovery by the Plaintiff is barred because of the assumption of risk of the Plaintiff.

#### **SEVENTH DEFENSE**

This Defendant is entitled to an equitable credit toward any judgment that might be rendered against it for any workman's compensation payment or awards that might have been mad with respect to the alleged injuries or damages.

**EIGHTH DEFENSE**

Recovery by the Plaintiff is barred in whole or in part by the doctrine of latches.

**NINTH DEFENSE**

If the Plaintiff incurred the injuries allege in this Complaint or suffered deterioration in her medical condition or otherwise suffered damage, such disease or deterioration or damage did not result from any actions from this Defendant, but such disease or deterioration or damage, if any, was caused in whole or in part, was contributed to, by the acts or omissions of person other than this Defendant, for which acts or omissions this Defendant is not liable.

**TENTH DEFENSE**

Assuming negligence on the part of this Defendant, such negligence is not the proximate cause of these injuries; rather Plaintiff's injuries are the result of superceding or intervening causes.

**ELEVENTH DEFENSE**

Recovery for Plaintiff's alleged damages are limited by the applicable statutory ceiling on recoverable damages.

WHEREFORE, this Defendant pray that Complaint filed herein against her be dismissed with cause.

Respectfully Submitted:

/s/ Allison L. Silvain

Allison L. Silvain

Federal Bar No.: 25178

MILES & STOCKBRIDGE, P.C.

10 Light Street

Baltimore, Maryland 21202

(410) 727-6464

Attorney for Defendant, Keri L. Dougherty

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> of May, 2003, a copy of the forgoing Answer to Complaint was electronically filed or mailed, first class postage prepaid, to attorney Samuel H. Paavola, Esquire, Paavola & Paavola, PA, One Willow Street, Annapolis, Maryland, 21401.

/s/ Allison L. Silvain  
Allison L. Silvain